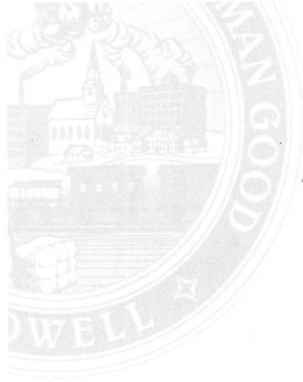




City of Lowell - Law Department

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July 19, 2013

George LeVines
MuckRock News
DEPT MR 5103
P.O. Box 55819
Boston, MA 02205-5819

Re: Freedom of Information Request – Police Inventory Lists

Dear Mr. LeVines,

Please be advised that the City of Lowell (“City”) has received and reviewed your e-mail written pursuant to the Massachusetts Public Records Law. M.G.L. c. 66, §10(b), and the regulations pursuant thereto, states that “[r]equests for public records may be oral or written. Written requests may be submitted in person or by mail.” See 950 CMR 32.05 (3). Notwithstanding the fact that your request was submitted via e-mail, it has been treated as a request for public records. See 950 CMR 32.05(4) (“A custodian’s superior knowledge of the contents of a governmental entity’s files shall be used to assist in promptly complying with the request.”).

You requested from the Keeper of Records of the City of Lowell Police Department (“LPD”) “[a]ny lists, databases and inventory rosters containing equipment used in the field of duty (i.e., firearms, protective gear, surveillance equipment, tactical and defense equipment, vehicles, etc.) You also requested that the City’s response be sent via e-mail. After review, the City must deny your request.

M.G.L. c. 4, § 7(26)(n) exempts public records that include, but not limited to:

"blue prints, plans, policies, procedures and schematic drawings, which relate to internal layout and structural elements, security measures, emergency preparedness, threat or vulnerability assessments, or any other records relating to the security or safety of persons, buildings, structures, facilities, utilities, transportation, or other infrastructure located within the commonwealth, the disclosure of which, in the reasonable judgment of the custodian, subject to review by the supervisor of public records under subsection (b) of section 10 of chapter 66, is likely to jeopardize public safety."

Mr. George LeVines
July 19, 2013
Page 2

The information you requested, if released, would expose LPD's law enforcement and threat response capabilities, placing officers, emergency responders, and the general public at risk. The release of such records would enable criminals, terrorists, or other dangerous groups or individuals to assess the equipment available to LPD. Such information could then be used to undermine the City's ability to respond to emergencies. For example, releasing LPD's weapon and tactical equipment inventories would enable potential criminals or terrorists to exploit potential vulnerabilities and develop countermeasures, placing officers and the general public at risk. Given that the release of this information would likely jeopardize public safety, the City must deny your request pursuant to M.G.L. c. 4, § 7(26)(n).

If you wish to appeal this denial of your public record request, you may petition the Supervisor of Records for a determination whether the record(s) requested is "public." The petition should be sent to the following address:

SECRETARY OF THE COMMONWEALTH
DIVISION OF PUBLIC RECORDS
1 ASHBURN PLACE, RM. 1719
BOSTON, MA 02108

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Elliott J. Veloso", written over a horizontal line.

Elliott J. Veloso
Assistant City Solicitor